

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated September 28, 2007 (hereinafter Office Action) has been considered but is believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully traverses the § 103(a) rejection because a skilled artisan would not combine the teachings of WO 01/63843 to Balogh (hereinafter “Balogh”) and U.S. Publication No. 2003/0021254 by Fukuda (hereinafter “Fukuda”) as asserted. For example, Balogh is directed to initial access by a device to a network, which does not teach or suggest a current network identifier associated with a current connection setting or comparison or selection using such a current network identifier. In contrast, Fukuda is directed to changing base stations within a single network (paragraph [0037]). Although Balogh teaches stored connection settings, neither of the asserted references suggests using pre-stored information on connection settings associated with target network identifiers to select connection settings associated with the same target network identifier as the network identifier associated with a currently applied connection setting. Balogh does not address using a current connection setting and Fukuda does not address using stored connection information such as alternative connection settings. Thus, the asserted teachings would not suggest selecting available alternative connection settings on the basis of a network identifier identifying a target network reachable by a current connection of a terminal. Without a suggestion to combine the asserted teachings, the § 103(a) rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

Moreover, the requisite evidence in support of the asserted combination has not been provided. The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). *See also KSR Int’l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 82 USPQ2d 1385, 1396 (2007) (quoting Federal Circuit statement with approval); and MPEP § 2141. The mere assertion that Fukuda’s

process of changing base stations would be added to Balogh's network access initialization process fails to identify why such a process would be necessary or desirable during initial access to a network. No evidence has been identified from either of the asserted references that provides a rational underpinning for the proposed modification.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

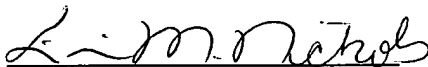
With respect to the information disclosure statement filed on July 25, 2007, the statement was resubmitted on October 3, 2007.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.080PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: March 28, 2008

By: 

Erin M. Nichols
Reg. No. 57,125